

THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:17-cv-00145-MR-DLH

UNITED STATES OF AMERICA, )  
                                  )  
Plaintiff,                    )  
                                  )  
vs.                            )  
                                  )  
                                  )  
APPROXIMATELY \$8,651 IN FUNDS )  
SEIZED INCIDENT TO THE ARREST )  
OF CHRISTOPHER MARK ERWIN, )  
                                  )  
Defendant.                    )  
                                  )  
\_\_\_\_\_

**MEMORANDUM OF  
DECISION AND ORDER**

**THIS MATTER** is before the Court on the Government's Motion for Default Judgment [Doc. 8].

On June 9, 2017, the Government initiated this civil forfeiture action pursuant to 18 U.S.C. § 981(a)(1)(A) and 21 U.S.C. § 881 against the defendant property. [Doc. 1]. As grounds for forfeiture, the Verified Complaint alleges in part that the defendant property was "seized incident to the arrest of Christopher Mark Erwin and constitutes "proceeds of and/or was used to facilitate drug trafficking crimes." [Id. at ¶¶ 5, 6].

The Government posted notice of this civil forfeiture action for a period of 30 consecutive days, beginning on June 2, 2017, as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims

and Asset Forfeiture Actions. [Doc. 5]. Additionally, the Government provided direct notice to “Mr. Mark Erwin, c/o Stanley D. Young, Esq., 68 North Market Street, Asheville, North Carolina 28801.” [See Doc. 6]. On July 13, 2017, Mark Edward Erwin filed a Notice, withdrawing his interest in the defendant property and expressly abandoning any claim or interest he had in such property. [Doc. 4]. On September 19, 2017, the Government filed the present motion for a default judgment against all persons and entities. [Doc. 8].

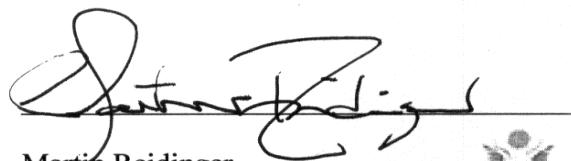
Rule G(4)(b)(i) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture requires that the Government “send notice of the action and a copy of the complaint to any person who reasonably appears to be a potential claimant ....” Here, the Government alleges that the defendant property was seized from, and incident to the arrest of, one Christopher Mark Erwin. [Doc. 1 at ¶ 7]. The Government did not, however, provide any direct notice to Christopher Mark Erwin, as required by Rule G(4)(b)(i). Rather, it provided direct notice only to “Mr. Mark Erwin, c/o Stanley D. Young.” It is unclear from the record what Mark Erwin’s relationship to this matter is. In any event, however, the Government failed to provide direct notice to a potential claimant, that being the person from

whom the defendant property was directly seized. Accordingly, the Government's motion for default judgment is denied.

**IT IS, THEREFORE, ORDERED** that the Government's Motion for Default Judgment [Doc. 8] is **DENIED**.

**IT IS SO ORDERED.**

Signed: November 17, 2017



Martin Reidinger  
United States District Judge

